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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,566	09/08/2000	Masaaki Ogura	196873US2	2825
22850	7590	03/28/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PHAM, THIERRY L	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/658,566

Applicant(s)

OGURA ET AL.

Examiner

Thierry L Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 12/7/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,10,12-16,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10,12-16,18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 12/7/04.
- Claims 1, 4-8, 10, 12-16, 18, and 20 are pending in application; Claims 2-3, 9, 11, 17, and 19 have been canceled.
- Amendment After Final filed on 10/18/04 has been acknowledged and entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6-8, 10, 13-16, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. 5270775).

Regarding claim 1, Suzuki discloses an image forming device management system (management network system, fig. 1) in which a customer system (customer system as indicated on the right side including plurality of copy machines, relays, and host computer 30, fig. 1 and fig. 2) and a center system (center system as indicated on the left side including host computer 41, fig. 1 and fig. 3) are connected by a network (network 29, fig. 1), the customer system including a data communication device connecting a plurality of image forming devices to the network, the center system including a center management device connected to the network, the data communication device comprising:

- first message means for transmitting (modem 28A, figs. 1-2, col. 3, lines 54-67), on a normal message date (normal collecting date, abstract, fig. 7, col. 7, lines 25-67 and col. 9, lines 15-54) for each of the respective image forming devices, a usage data (usage data such as number of copies of plurality of copy machines, fig. 1, col. 3, lines 64-67 to col. 4, lines 1-45) of a corresponding one of the image forming devices to the center management device (transmitting the usage data to the center system including host computer 41, fig. 1) via the network by using a call sent by the data communication device; and

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- second message means for transmitting (modem 28C, fig. 1, col. 3, lines 54-67), on an early message date that is earlier than the normal message date (if a collection date falls on holiday, then transmitting a collecting message on a day before or after a normal date, fig. 7, abstract, col. 7, lines 25-67 and col. 9, lines 15-54) for a corresponding one of the image forming devices, a usage data (usage data such as number of copies, col. 3, lines 64-67 to col. 4, lines 1-45) of the corresponding one of the image forming devices to the center management device via the network by using a call sent by the data communication device, and
- the center management device comprising (center management system including host computer 41, figs. 1 and fig. 3, cols. 3-4):

(a) first message reception means (modem 28B, fig. 1, cols. 3-4) for receiving, on the normal message date (normal collecting date, fig. 7, fig. 7, abstract, col. 7, lines 25-67 and col. 9, lines 15-54) for each of the respective image forming devices, the usage data (usage data such as number of copies, col. 3, lines 64-67 to col. 4, lines 1-45) of the corresponding one of the image forming devices that is transmitted by the first message means using the call sent by the data communication device;

(b) second message reception means (modem 28B via network 29, fig. 1, cols. 3-4) for receiving, on the early message date (if a collection date falls on holiday, then transmitting a collecting message on a day before a normal date, fig. 7, abstract, col. 7, lines 25-67 and col. 9, lines 15-54) for each of the respective image forming devices, the usage data usage data such as number of copies, col. 3, lines 64-67 to col. 4, lines 1-45) of the corresponding one of the image forming devices that is transmitted by the second message means using the call sent by the data communication device; and

(c) remote management means (center system including host computer 41 for issuing totalization usage data, fig. 6, cols. 7-8) for issuing a billing of a usage charge (host computer 41 for calculating total usage data and issuing bill, fig. 6, col. 5, lines 1-27 and cols. 7-8) of the corresponding one of the image forming devices based on the usage data received by either the first message reception means or the second message reception means;

(d) input means (host computer 41 also includes keyboard 43, fig. 3) for inputting a holiday data (keyboard 43 for inputting holiday data for customer offices, col. 7, lines 25-56 and

col. 9, lines 15-67, and please note that host computer 41 also includes a calendar information 47 for storing and displaying holiday days and working days) of the customer system.

(e) calculation means (host computer 41 includes charge calculating table, fig. 6, col. 7, lines 57-67 to col. 8, lines 1-50) for calculating an early message date for a corresponding one of the image forming devices based on the holiday data, input by the input means, and based on the normal message date for the corresponding one of the image forming devices; and

(f) early message date setting means (host computer 41 also includes collection-date setting means, col. 7, lines 25-55 and col. 9, lines 15-67) for transmitting (transmit via modem 28B, fig. 1 and fig. 3) the early message date, calculated by the calculation means, to the data communication device via the network, so that the calculated early message date is set in the data communication device.

Suzuki discloses a keyboard 43 (fig. 3) for inputting holiday data relating to the customer's system (i.e. customer's system is shutdown due to holidays and/or closings, fig. 3, col. 7, lines 25-67 and col. 15-67) and teaches such holiday data can be inputted via entry key 35 on the relay apparatus 2, col. 9, lines 60-67 and col. 10, lines 1-6, **but fails** to teach an input means for inputting holiday data of the center system (i.e. when the center system is shutdown due to holidays and/or closings).

Suzuki's keyboard 43 can also be used for inputting holiday data of the center system.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the same keyboard 43 as taught by Suzuki for inputting holiday data for both the customer and center system (utilizing calendar 47 as taught by Suzuki for time, date, and year, fig. 3); by doing so, it would allow the management/supervising system to recognize and/or to compare when (i.e. vacation and closing date of both customer and center system) and how long both systems are shutdown due to holidays/closings and to properly collect usage data.

Therefore, it would have been obvious to use the same keyboard 43 as taught by Suzuki to obtain the invention as specified in claim 1.

Regarding claim 4, Suzuki further discloses the image forming device management system according to claim 1, wherein the early message date setting means transmits (collection-

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date setting means, col. 7, lines 25-55), on the normal message date for the corresponding one of the image forming devices, the early message date collection-date setting means, col. 7, lines 25-55), calculated by the calculation means (charge calculating table, fig. 6, col. 7, lines 57-67 to col. 8, lines 1-50), to the data communication device via the telephone network (network, figs. 1-5), so that the calculated early message date is set in the data communication device.

Regarding claims 6-7, Suzuki further discloses the image forming device management system according to claim 1, wherein the normal message date is indicated by a 2-digit day number (day of the week, fig. 7, cols. 7-8), and the early message date is indicated by a 4-digit month-and-day number (also collecting data monthly, fig. 6, cols. 7-8).

Regarding claim 8, Suzuki further discloses the image forming device management system according to claim 6, wherein the second message means transmits, by using the call sent by the data communication device, the usage data of the corresponding one of the image forming devices to the center management device when a current month-and-day number matches (col. 7, lines 25-55) with a month-and-day number of the early message date for the corresponding one of the image forming devices.

Regarding claims 10, 15-16, 20, which recite limitation that are similar to claim 1 above, please see rejection rationale/basis as described in claim 1 above for more details.

Regarding claims 13-14, which recite limitations that are similar to claims 6-7 (respectively) above, please see rejection rationale/basis as described in claims 6-7 above for more details.

Claims 5, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki as described in claims 1, 10, and/or 15 above, and further in view of Hirata et al (U.S. 5543892).

Regarding claims 5, 12, and 18, Suzuki does not explicitly disclose wherein the data communication device comprising a message inhibition means for inhibiting the transmission of the usage data to the center management device.

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Hirata, in the same field of endeavor for communication network, discloses a data communication device comprising a message inhibition means for inhibiting the transmission of the usage data to the center management device (abstract, col. 6, lines 17-54 and col.15, lines 39-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Suzuki as per teachings of Hirata because of a following reason: (1) to avoid delaying of collecting of usage data when the collection date is a holiday date (col. 1, lines 35-48).

Therefore, it would have been obvious to combine Suzuki with Hirata to obtain the invention as specified in claims 5, 12, and 18.

Response to Arguments

Applicant's arguments, see pages 11-12, filed 10/18/04, with respect to the rejection(s) of claim(s) 1, 10, 15-16, and 20 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *different interpretation of the previously applied reference (US 5270775)*.

Conclusion

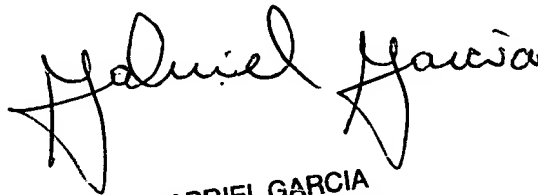
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER